

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/29/2022

UNITED STATES OF AMERICA,

Plaintiff,

-against-

EVERSLEY E. BARRETT, doing business as
Eversley Tax,

Defendant.

1:21-cv-06839-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on August 13, 2021. [ECF No. 1]. An affidavit of service of summons and complaint was filed on the docket on December 16, 2021. [ECF No. 9]. According to that summons, Defendant's response to the complaint was due January 4, 2022. [ECF Nos. 9]. No response was filed. On February 7, 2022, the Court ordered Plaintiff to move for entry of a default judgment by March 7, 2022. [ECF No. 10].

Subsequently, Plaintiff filed several letters advising the Court of the status of settlement negotiations and asking for extensions of the deadline to move for entry of a default judgment. [ECF Nos. 12–14]. Plaintiff now advises the Court that defense counsel has not yet responded about Plaintiff's final proposal to resolve this matter. [ECF No. 15]. Given the time that has elapsed, Plaintiff asks for a final extension of the deadline to move for entry of a default judgment to April 4, 2022. [ECF No. 15]. Defendant has still not responded to the Complaint or taken any other actions in this case.

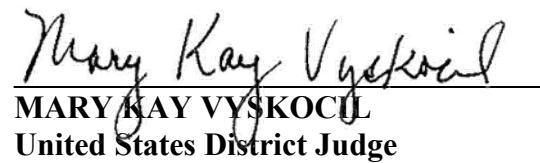
Accordingly, IT IS HEREBY ORDERED that any motion for entry of a default judgment shall be filed by April 4, 2022. Plaintiff is directed to follow the procedures applicable to default judgments under the Court's Individual Rules and Practices for Civil Cases, available at the Court's website. Failure to move for a default judgment by April 4, 2022 may result in dismissal

of this action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Absent extraordinary circumstances, the Court will not grant another extension.

The Clerk of Court is respectfully requested to terminate docket entries 12, 13, 14, and 15.

SO ORDERED.

Date: March 29, 2022
New York, NY


MARY KAY VYSKOCIL
United States District Judge